

IC 25-2.5-2

Chapter 2. License and Qualifications

IC 25-2.5-2-1

Sec. 1. Except as provided in section 3 of this chapter, to qualify for a license under this article, an individual must satisfy the following requirements:

- (1) Complete an application for licensure in accordance with the rules adopted by the board.
- (2) Pay the fees established by the board.
- (3) Not have been convicted of a crime that has a direct bearing on the applicant's ability to practice competently as determined by the board.
- (4) Not have had disciplinary action taken against the applicant or the applicant's license by the board or by the licensing agency of another state or jurisdiction by reason of the applicant's inability to safely practice acupuncture with the reasons for discipline still being valid as determined by the board or by a national certification agency.
- (5) Show to the satisfaction of the board that the applicant has:
 - (A) current active status as a diplomate in acupuncture of the National Certification Commission for Acupuncture and Oriental Medicine;
 - (B) successfully completed a three (3) year postsecondary training program or acupuncture college program that:
 - (i) is accredited by;
 - (ii) is a candidate for accreditation by; or
 - (iii) meets the standards of;the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; and
 - (C) successfully completed a clean needle technique course approved by the National Certification Commission for Acupuncture and Oriental Medicine.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-2

Sec. 2. Except as provided in section 4 of this chapter, the board shall issue a license to an individual who:

- (1) meets the conditions of section 1 of this chapter; and
- (2) is otherwise qualified for licensure under this article.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-3

Sec. 3. (a) An applicant may, upon the payment of a fee established by the board, be granted a license if the applicant submits satisfactory evidence to the board that the applicant has been licensed to practice acupuncture in another state or authorized in another country under qualifications substantially equivalent to those specified in this chapter for a license to practice acupuncture.

(b) An applicant may, upon the payment of a fee established by the board, be granted an affiliated professional's license to practice

acupuncture if the applicant submits satisfactory evidence to the board that the applicant is a:

- (1) chiropractor licensed under IC 25-10;
- (2) dentist licensed under IC 25-14; or
- (3) podiatrist licensed under IC 25-29;

with at least two hundred (200) hours of acupuncture training or equivalent physiological acupuncture training approved by the board.

(c) The board shall:

- (1) compile, at least once every two (2) years, a list of courses and institutions that provide training approved for the purpose of qualifying an individual for an affiliated professional's license under subsection (b); and
- (2) adopt rules that set forth procedures for the case by case approval of training under subsection (b).

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-4

Sec. 4. The board may refuse to issue a license to an applicant for licensure if:

- (1) the board determines during the application process that the applicant committed an act that would have subjected the applicant to disciplinary sanction under section 1(4) of this chapter if the applicant had been licensed in Indiana when the act occurred; or
- (2) the applicant has had a license revoked under IC 25-1-1.1.

As added by P.L.265-1999, SEC.1. Amended by P.L.14-2000, SEC.56.

IC 25-2.5-2-5

Sec. 5. (a) A license issued by the board expires on the date established by the bureau under IC 25-1-5-4 in each even-numbered year.

(b) To renew a license, an acupuncturist must:

- (1) pay a renewal fee not later than the expiration date of the license; and
- (2) submit proof of current active licensure in acupuncture by the National Certification Commission for Acupuncture and Oriental Medicine.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-6

Sec. 6. The board may deny, suspend, or revoke a license, require remedial education, or issue a letter of reprimand, if an applicant or licensed acupuncturist does any of the following:

- (1) Engages in false or fraudulent conduct that demonstrates an unfitness to practice acupuncture, including:
 - (A) making a misrepresentation in connection with an application for a license or an investigation by the board;
 - (B) attempting to collect fees for services that were not performed;
 - (C) false advertising, including guaranteeing that a cure will result from an acupuncture treatment; or

- (D) dividing, or agreeing to divide, a fee for acupuncture services with another person for referring the patient.
- (2) Fails to exercise proper control over the acupuncturist's practice by:
 - (A) aiding an unlicensed person in practicing acupuncture;
 - (B) delegating professional responsibilities to a person the acupuncturist knows or should know is not qualified to perform; or
 - (C) insufficiently supervising unlicensed personnel working with the acupuncturist in the practice.
- (3) Fails to maintain records in a proper manner by:
 - (A) failing to keep written records describing the course of treatment for each patient;
 - (B) refusing to provide upon request patient records that have been prepared for or paid for by the patient; or
 - (C) revealing personally identifiable information about a patient, without the patient's consent, unless otherwise allowed by law.
- (4) Fails to exercise proper care of a patient, including:
 - (A) abandoning or neglecting a patient without making reasonable arrangements for the continuation of care; or
 - (B) exercising or attempting to exercise undue influence within the relationship between the acupuncturist and the patient by making sexual advances or requests for sexual activity or by making submission to sexual conduct a condition of treatment.
- (5) Displays habitual substance abuse or mental impairment to the degree that it interferes with the ability to provide safe and effective treatment.
- (6) Is convicted, pleads guilty, or pleads no contest to a crime that demonstrates an unfitness to practice acupuncture.
- (7) Fails, in a negligent manner, to practice acupuncture with the level of skill recognized within the profession as acceptable under the circumstances.
- (8) Violates willfully any provision of this article or rule of the board.
- (9) Has had a license denied, suspended, or revoked in another jurisdiction for a reason that would be grounds for denial, suspension, or revocation of a license under this article.

As added by P.L.265-1999, SEC.1.

IC 25-2.5-2-7

Sec. 7. (a) This section may not be construed to prohibit licensed acupuncturists from practicing auricular acupuncture.

(b) An individual who is not an acupuncturist licensed under this article may practice auricular acupuncture for the purpose of treating alcoholism, substance abuse, or chemical dependency if the individual:

- (1) provides the board with documentation of successful completion of a board approved training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency that meets or exceeds the standards of training set by

the National Acupuncture Detoxification Association;

(2) provides the board with documentation of successful completion of a clean needle technique course;

(3) provides auricular acupuncture services within the context of a state, federal, or board approved alcohol, substance abuse, or chemical dependency program under the supervision of a licensed acupuncturist; and

(4) maintains the ethical standards under this article and under rules adopted by the board.

As added by P.L.265-1999, SEC.1.